

February 5, 2016



House Committee on Rules
Oregon State Capitol Building
900 Court Street NE
Salem, Oregon 97301

Re: House Bill 4130 (HB4130)

To the Honorable Chair Williamson and Members of the House Committee on Rules,

I am submitting the following comments on behalf of the Oregon Association of Municipal Records (OAMR) in regards to HB4130 as introduced prior to the 2016 Short Session of the Oregon State Legislature. As we understand it, HB4130 would apply to all cities in Oregon, and its adoption brings with it a potential burden for many OAMR members and their agencies. My experience with municipal records officers has shown them to be a dedicated group of individuals who strive to comply with the current Public Records Laws and to act responsibly. The proposals presented in HB4130 seem unnecessary when existing laws and administrative rules are considered, and in light of other state-level efforts to review our Public Records Laws.

Many cities strive to make the most sought after records immediately available by posting them online, allowing for immediate and free access to many records. In the absence of online records, most public record requests are filled immediately, or are acknowledged by a response to the requestor providing information on the estimated length of time required to fill the request and noting any associated costs. In acknowledging the records request the records officer may also seek clarification of the request to help narrow the search, which can add to the length of time required to complete the request.

Oregon has many small cities that have limited staff resources and many records officers have a wide variety of responsibilities. By placing specific time limits for responses to records requests, the records officer may have to make a decision on the least impactful of consequences – researching/fulfilling an extensive records request or letting other job duties, like a City Council agenda packet, meeting minutes, or election filings, slip. Based on our professional experiences as City Recorders – in cities of all sizes – it is difficult to imagine municipal records officers not making good faith efforts to complete or respond to a records request within a reasonable period of time and at the least possible expense to the requestor. We would like to note that most cities have adopted a master fee schedule in which billable hours and copying costs are included and that many records requests are filled electronically making it unnecessary to make copies or to incur postage costs.

HB4130 appears to take the position that it in our digital age it is easy to retrieve any record electronically. This position assumes that an agency – or any organization – has maintained their records in an entirely digital format and that all electronic records are well organized. The

reality is that even in 2016 it is not financially or logistically feasible for cities in the State of Oregon – or in most places around the world – to maintain entirely digital archives. The nature of the work done by municipal governments requires paper records – and while we support the move toward a more efficient and paperless operating environment, it is simply not a reality. Both large and small cities continue to maintain a hybrid mix of paper and digital records, and record request response times can be affected by the need to sort through dusty boxes and send materials such as microfilm to third party vendors to reproduce the record for the requestor.

After an extensive review process by the OAMR Records Management Committee, with guidance from State Archivist Mary Beth Herkert, the revised City Records Retention Schedule (Oregon Administrative Rule 166-200-0200) was adopted just over a year ago. We do not see the benefit of creating a minimum retention period of two years when municipal governments have already adjusted their records management programs to the recently adopted schedule. This minimum retention would cause cities who signed service agreements with the Secretary of State's Office for electronic records management support through the State Archives would have to modify their processes. In short, we do not see the need for placing a blanket minimum retention period on all records when each class of record has been thoroughly reviewed and given an appropriate retention period based on the content and use of the record. The reality is that cities may not have the storage capacity to handle expanded minimum retention periods and it seems unnecessary to hold records such as desk calendars for two years.

In addition to the comments above, we believe that limiting cities' ability to recover the cost of providing records serves to create larger budget shortfalls for local government and ultimately hampers our ability to serve our communities.

We also want to acknowledge the ongoing effort of the Attorney General's Public Records Task Force which is working to review these and other issues related to public records requests. We request that HB4103, and any proposal to revise Oregon's Public Records Law, wait for action from that group to better ensure that any changes are made as efficiently as possible.

For these practical reasons, HB4103 as introduced prior to the 2016 Short Session is neither sustainable nor equitable for a significant number of Oregon cities.

On behalf of OAMR, I thank you for your consideration.

Sincerely,



Michele Eldridge, CMC

City Recorder/Assistant City Administrator, City of Harrisburg
President, Oregon Association of Municipal Recorders

CC: Ellen Rosenblum, Attorney General
Mary Beth Herkert, State Archivist
Michael Kron, Office of the Attorney General
LOC: Scott Winkels